



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

January 30, 2019
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

1. **Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.
2. **Audience Comments** – Three minutes per person to issues not on the agenda.
3. **Approval of Minutes**
 - a. **12/12/2018**
4. **Action Items**
 - a. Case No. 18-00038 – Douglas M Lampe for Robb Baldwin
Address: 606 55th Ave
Request: The applicant requests a variance from Division 8, RU-1 Residential District, Section 8.8, Maximum height of structures, to allow for the construction of a detached single-family home that exceeds 30 feet in height.
5. **Adjournment – Next Meeting: 02/27/2019**

The public is cordially invited to attend.

APPEAL: Florida Statutes Chapter 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter

considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

CODE OF ORDINANCES, SECTION 1-15: Award of attorney's fees and other costs. In all instances where a lawsuit is instituted or defended on behalf of the city to enforce any provision of the Code of Ordinances, to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.

**Electronic media must be submitted a minimum of 24 hours in advance to
cityclerk@stpetebeach.org**

All agenda material is available for review at City Hall.

BOARD OF ADJUSTMENT MEETING

MINUTES

DECEMBER 12, 2018

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Sandie Lyman, Vice Chair
Michael Bomar, Member
Denise Chase, Member

ABSENT:

Paul Skipper, Chairman
Jake Holehouse, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Wesley Wright, Community Development Director
Laura Marley, Planner II
Brandon Berry, Planner I
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

There were no changes to the agenda.

City Attorney Dickman informed the applicants that there was a quorum present, but in order to approve a variance, the vote needs to be the majority of the entire board. Therefore, if the applicants desired to have a continuance until the January 30, 2019 meeting to have the benefit of having five members present, the option was available and needed to be requested.

Hearing none, Vice Chairwoman Lyman asked for audience comments.

2. Audience Comments

There were no audience comments.

3. Approval of Minutes

a. 11/14/18

Member Bomar made a motion to approve the minutes. The motion was seconded by Member Chase and unanimously approved by a voice vote (3 yeses – 0 nos).

4. Action Items

Case 18-000026 – Carol Markovich for Camelot Condominium Owner Association

Address: 105 18th Ave

Request: The applicant requests a variance from Section 6.15, Fences and walls, of the City of St. Pete Beach Land Development Code to replace a fence which exceeds four feet in height in a required front yard setback.

Brandon Berry gave Staff's presentation to the board, and the recommendation was for denial of the proposed variance.

Vice Chairwoman Lyman asked the applicant to come forward.

Carol Markovich, 587 77th Avenue North, St. Petersburg 33702, manager of Camelot, spoke about the subject deteriorating fence, possibly removing the present wall and installing a six-foot fence.

Vice Chairwoman Lyman asked if anyone would like to speak in favor of the application. There were no comments.

Vice Chairwoman Lyman asked if anyone would like to speak in opposition to the application.

The following person spoke in favor of Case No. 18-00026.

Michael Walsh, board member of Camelot by the Sea, spoke in regard to removing the present deteriorating wall and installing a fence at the same height that does not obstruct visibility.

Vice Chairwoman Lyman asked for further public comment.

Hearing none, Vice Chairwoman Lyman closed the public hearing portion and opened it for discussion among the Board members.

Member Bomar made a motion to approve Case No. 18-00026 with the stipulation that the fence be the same openness as it is now and not restricted in visibility. The motion was seconded by Member Chase and unanimously approved by an individual roll call vote, (3 yeses – 0 nos).

- a. Case No. 18-00031 – Eric Hughes of A-1 Fence for Jennifer Iavarone
Address: 510 Boca Ciega Isle Dr
Request: The applicant requests a variance from Section 6.15, Fences and walls, of the City of St. Pete Beach Land Development Code to install a fence which exceeds four feet in height in a required front yard setback.

Brandon Berry gave Staff's presentation to the board, and the recommendation was for denial of the proposed variance.

Vice Chairwoman Lyman asked the applicant to come forward.

Eric Hughes, 4321 63rd Way North, Kenneth City, Florida 33709, A-1 Fence, spoke about the subject lot, possibility of installing a 6- or 8-foot fence, defining the entryway to the home, security concerns and presented a written letter from a neighbor to the east stating no objection to the variance.

Vice Chairwoman Lyman asked if anyone would like to speak in regard to the application. There were no comments.

Vice Chairwoman Lyman asked if anyone would like to speak in opposition to the application.

Hearing none, Vice Chairwoman Lyman closed the public hearing portion and opened it for discussion among the Board members.

Member Chase made a motion to approve Case No. 18-00031 with an 8-foot structure. The motion was seconded by Member Bomar and unanimously approved by an individual roll call vote, (3 yeses – 0 nos).

5. Adjournment – Next Meeting 1/30/2019

There being no further business before the board, the meeting was adjourned at 2:30 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman

Minutes approved on: _____



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 18-00038 – Douglas M Lampe for Robb Baldwin

MEETING DATE: January 30, 2019

PREPARED BY: Brandon Berry, Planner I; Planning & Zoning

REQUEST	The applicant requests a variance from Division 8, <u>RU-1 Residential District</u> , Section 8.8, <u>Maximum height of structures</u> , to allow for the construction of a detached single-family home that exceeds 30 feet in height.
SUBJECT PROPERTY	606 55th Ave; Brightwater Beach Estates Partial Replat Lot 6; Parcel number 31-31-16-11466-000-0060
ACERAGE	Approximately 11,760 square feet (0.27 acres)
LAND USE	RU-1 on the Zoning Map; RU – Residential Urban on the Future Land Use Map
SURROUNDING AREA	North - Single-family residence South - Boca Ciega Bay East – Boca Ciega Bay West - Single-family residence

BACKGROUND

The property is currently vacant following the demolition of a single-family home on the site in May 2018. The property is located on the curve of a cul-de-sac and is thus irregularly-shaped. A foundation-only permit was approved for the site in December 2018.

ANALYSIS

The applicant is proposing to construct a single-family home that exceeds the maximum height permitted under Division 8, RU-1 Residential District, Section 8.8, Maximum height of structures. In the RU-1 district, homes are permitted to be a maximum of 30 feet in height as measured from the Base Flood Elevation (BFE). For homes with hip or gable roofs, height is measured as the vertical distance above the BFE to the average between the plate and ridge of the roof. For homes with flat roofs, as the applicant is proposing, height is measured as the vertical distance above the BFE to the highest point of the flat roof. The applicant is proposing that the home be 33 feet in height as measured from BFE to the highest point of the flat roof.

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- (a) **The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant;** *The lot is peculiar with regard to shape, as the lot is located along the curve of a cul-de-sac and is irregularly-shaped. However, the lot is not constrained by overall square footage, as it exceeds the minimum square footage required for properties in the RU-1 district. The strict application of the land development regulations would not deprive the applicant reasonable use of the land, as a detached single-family home could be constructed without the need for a variance. Other recent detached single-family developments in the RU-1 district have complied with district height restrictions without the need for a variance.*
- (b) **Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance;** *No other structures or uses are being considered. The applicant states that other homes with sloped roofs would be higher than the proposed single-family home with three additional feet of height.*
- (c) **The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district;** *The proposed variance will not affect any district boundaries, permit a nonconforming use, increase density, or permit a use not permitted in the zoning district.*
- (d) **The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application;** *The requested variance is not in harmony with the general intent of the Land Development Code. The Code allows for single-family detached homes and certain permitted accessory structures on lots located within the RU-1 district. Additional height is not necessary to utilize the lot as the Land Development Code intends.*
- (e) **The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.** *The literal enforcement of the LDC would not result in a hardship for the applicant, and Staff finds that the variance proposed is not necessary to make reasonable use of the land. Although the lot is irregular with regard to shape, the lot exceeds*

the square footage for minimum lot size in the RU-1 district and this variance request is for height rather than encroachment into required rear, side or front setbacks.

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

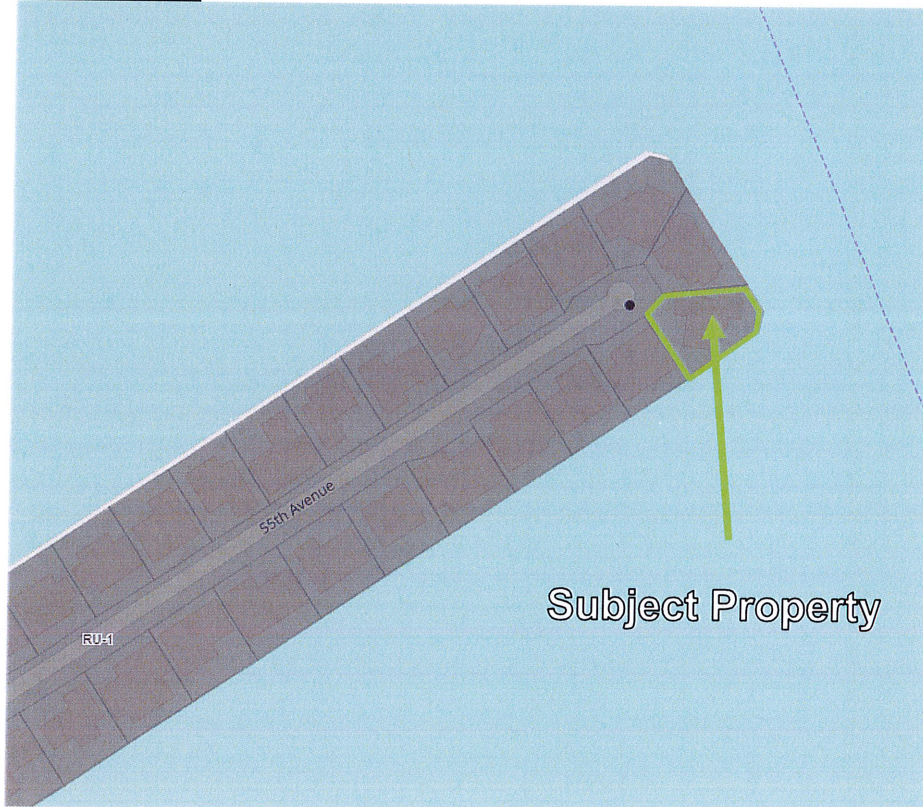
SUMMARY – Staff finds that the proposal to construct a single-family home that exceeds the maximum permitted height allowed in the RU-1 district does not meet the conditions for a variance. While the Land Development Code does permit for homes with sloped roofs to potentially have a ridge higher than the 33 feet proposed by the applicant, flat roof designs are beneficial in that the roof is utilizable by the homeowner as an elevated landing or otherwise usable space. Staff does not find that there is a hardship posed by the land that would necessitate the offering of a variance.

RECOMMENDATION: The proposed variance request is not consistent with the City of St. Pete Beach Land Development Code. Staff recommends denial of the proposed variance. The applicant has submitted plans that show they can comply with the Land Development Code.

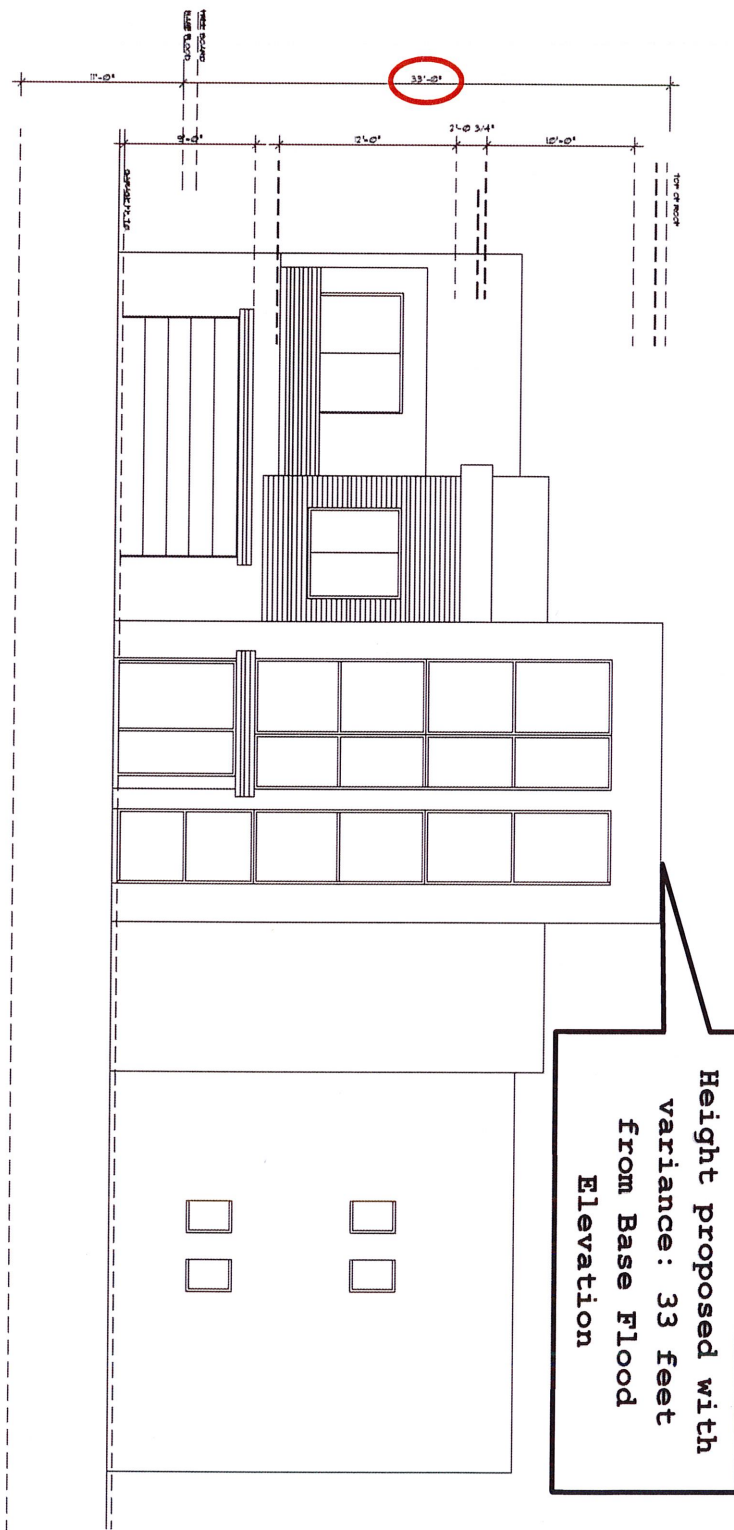
AERIAL MAP



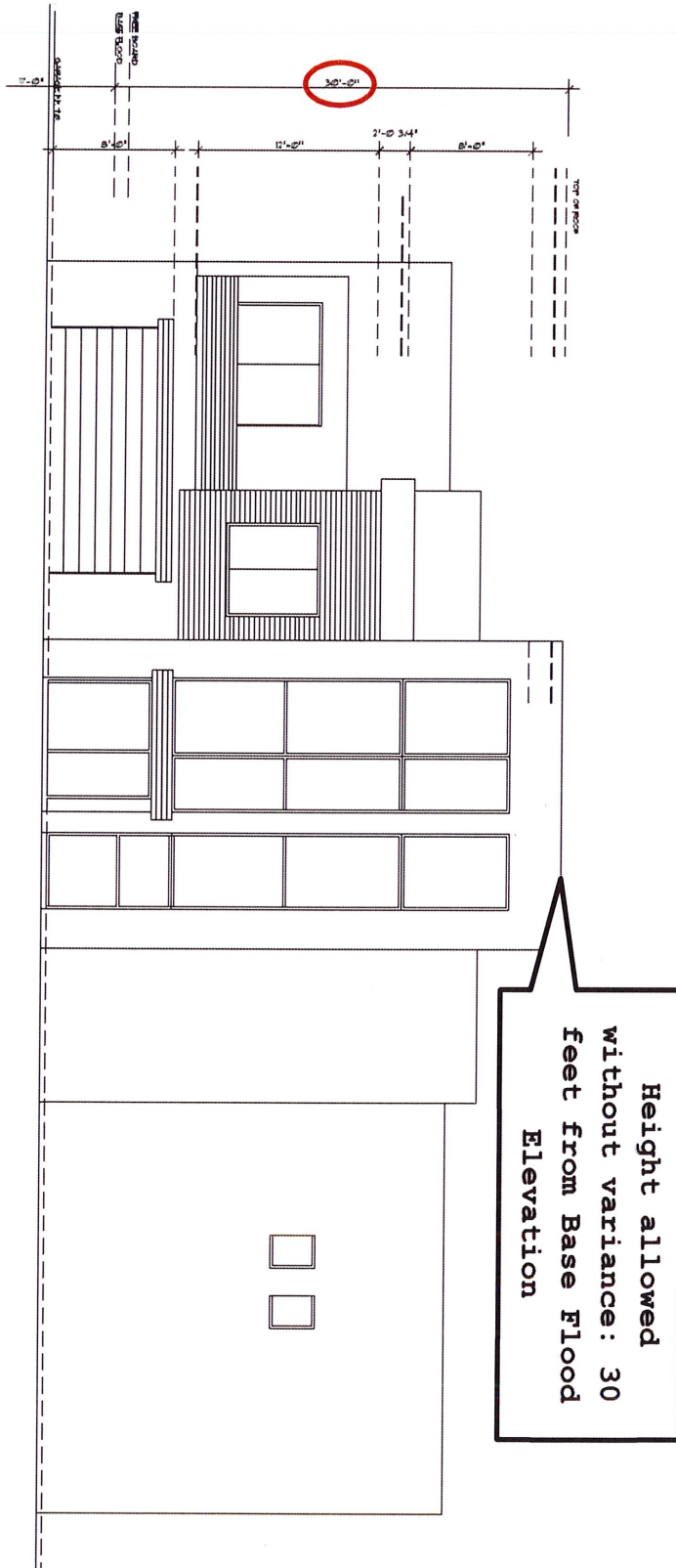
ZONING MAP



ELEVATION – PROPOSED WITH VARIANCE



ELEVATION – ALLOWED WITHOUT VARIANCE





City of St. Pete Beach

Community Development
Department 155 Corey Avenue
St. Pete Beach, Florida
33706 727-367-2735
www.stpetebeach.org

VARIANCE APPLICATION

Case Number: PLN18-00038

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Brightwater Beach Estates Partial Replat Lot 6
Parcel ID: 31-31-16-11466-000-0060
Address: 606-55th Ave

Current Zoning: RU-1 FLUM Designation: RU Lot Area: 0.27 ac

APPLICANT/AGENT:

Name: Douglas M. Lampe
Address: 5050- Gulf Blvd
City: St Pete Beach State: FL
Zip: 33706 Phone: 727-410-6930

PROPERTY OWNER:

Name: Robb Baldwin
Address: 606-55th Ave
City: St Pete Beach State: FL
Zip: 33706 Phone: 352-317-4244

Email: douglampegator@gmail.com Email: _____

DETAILS OF THE REQUEST: Cite code sections for which variance is requested: (Add additional sheets if necessary)

Owner requests the architectural plans
be adjusted to allow the flat roof
structure be increased from the allowable
30'0" in height to 33'0" in height from
base flood elevation

Additional Documents:

Check here if document is attached	Required Document
↓	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
↓	Site Plan drawn to scale showing proposed deviations of the code.

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.

Homes adjacent are taller than proposed home at this address.

2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.

Flat roof structures per code cannot be constructed as homes with sloped roofs

3. The peculiar conditions and circumstances are not the result of the actions of the applicant.

Correct

4. The proposed variance will not have the effect of changing any district boundary on the zoning map.

Correct

5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.

Correct

6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.

Correct

7. The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Correct

8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Correct

<u>Douglas M. Farnsworth</u>	<u>12/17/18</u>	<u>[Signature]</u>	<u>12/17/18</u>
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Douglas M. Lampe, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Douglas M. Lampe

Address: 5050 = 60th Blvd, St Pete Beach, FL 33706

Douglas M. Lampe
Signature

December 26, 2018
Date

STATE OF FLORIDA)

) SS:

PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 26th day of December, 2018 by Douglas M. Lampe, who appeared before me, and is personally known to me, or has produced FL DL as identification, and did take an oath.

My commission Expires: November 16, 2021

NOTARY: Rachel A. Castleman

Print Name: Rachel A. Castleman

Notary Public, State of Florida

(Notarial Seal)



RACHEL A. CASTLEMAN
Commission # GG 267179
Expires November 16, 2021
Bonded Thru Budget Notary Services

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

- ☒ I understand that the City will not accept or process an incomplete application.
- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- ☒ On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- ☒ I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.
- ☒ I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.
- ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- ☒ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages

Wanda M. Lopez 12/7/18
Signature of Applicant Date

Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE

(print name of property owner)

hereby authorize

(print name of agent)

to represent me/us in an application for

(type of application: variance, conditional use, zoning, etc.)

Don B.
Signature of Owner

Signature of Owner

Robb W. Baldwin
Print Name of Owner

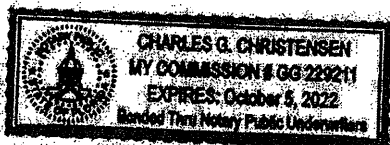
Print Name of Owner

The foregoing instrument was acknowledged before me this 7th day of December
2017 by Robb Baldwin or who is personally known
produced DRIVERS LICENSE as identification

Charles M. Christensen
Notary Signature

12-7-18
(Date)

My Commission Expires 10-5-2022



LOT 5

N84°29'47"E 112.47' (P)
N85°04'25"E 112.66' (M)

SECTION 31, TOWNSHIP 31S, RANGE 16E

CERTIFIED TO:

ROBB W. BALDWIN
REGIONS BANK
DIVITO, HIGHAM AND VASTI, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

LEGEND:

FND = FOUND
N&D = NAIL & DISK
FIR = FOUND IRON ROD
M = FIELD MEASUREMENT
P = PLAT
CONC = CONCRETE
R/W = RIGHT OF WAY
FOE = FOUND OPEN END PIPE
SIR = SET IRON ROD
P.L. = PROPERTY LINE
SN&D = SET NAIL AND DISK
FCM = FOUND CONC. MONUMENT
T.B.M. = TEMPORARY BENCHMARK
C/C = COVERED CONCRETE
CLF = CHAIN LINK FENCE
WF = WOOD FENCE
WM = WATER METER
C = CLEANOUT
C = CABLE T.V.

★ DIA = CABBAGE PALM TREE

☼ DIA = UNKNOWN TREE

+0.00 = SPOT ELEVATION

LEGAL DESCRIPTION

LOT 6, BRIGHTWATER BEACH ESTATES PARTIAL REPLAT,
ACCORDING TO THE MAP OR PLAT THEREOF
AS RECORDED IN PLAT BOOK 52, PAGE 45,
PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

I hereby Certify that the survey represented hereon meets the
requirements of Chapter 5J-17, Florida Administrative Code


JOHN C. BRENDLA

Florida Surveyor's Registration No. 4601
Certificate of Authorization No. LB 760

BOUNDARY SURVEY WITH TOPOGRAPHY AND TREES - 4/20/18
BENEFIT OF TITLE - 4/14/18
STAKED HOUSE AND POOL - 11/5/18*

Flood Zone
AE (EL. 11')
COMMUNITY PANEL #125149 12103C0276 G,
REVISED 9/3/03
Basis of Bearings:
S.E.'LY BOUNDARY
BEING S57°14'46"W (PER PLAT)
Benchmark:
COUNTY #278; 127 S.R.D.
EL. = 5.450' N.G.V.D., ADJUSTED TO
EL. = 4.70' N.A.V.D. M.S.L. = 0.00'

Survey was prepared with the benefit of title search
commitment #564063 written by Old Republic National
Title Insurance Company, dated 3/17/2018. Survey not
valid without the signature and original raised seal
of a Florida licensed Surveyor and Mapper.

NOTE: This survey is made for the exclusive use of
the current owners of the property and also those
who purchase, mortgage or guarantee the title
thereto within one (1) year from date hereof.

F.B.: 946 PG: 62-63

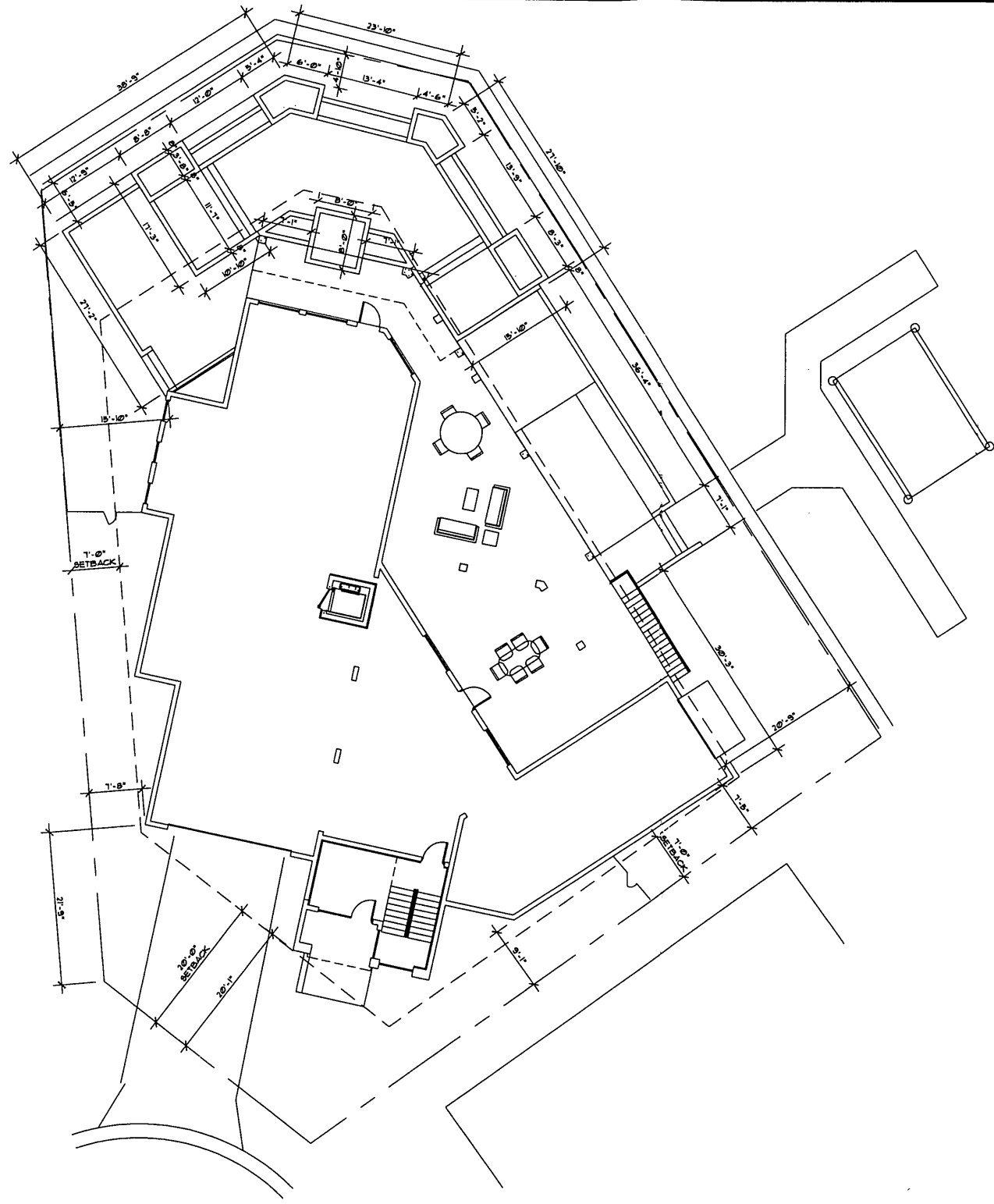
1804-53.CRD

John C. Brendla & Associates, Inc.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North ~ Pinellas Park, Florida 33781
phone (727) 576-7546 fax (727) 577-9932

Job Number
1804-53

DRW: JM

DATE: NAME:



55th AVE.
4.18' 3\"/>

SITE PLAN

SCALE: 1"=10'-0"

ARCHITECT CERTIFIES, TO THE BEST OF HIS
KNOWLEDGE, THAT ALL PLANS AND SPECIFICATIONS
COMPLY WITH THE MINIMUM BUILDING CODES.

Baldwin Residence

New House

606 55th Ave.

St. Pete Beach, Florida

Project No.
2018-100R
Date,
April 25, 2018

Revisions



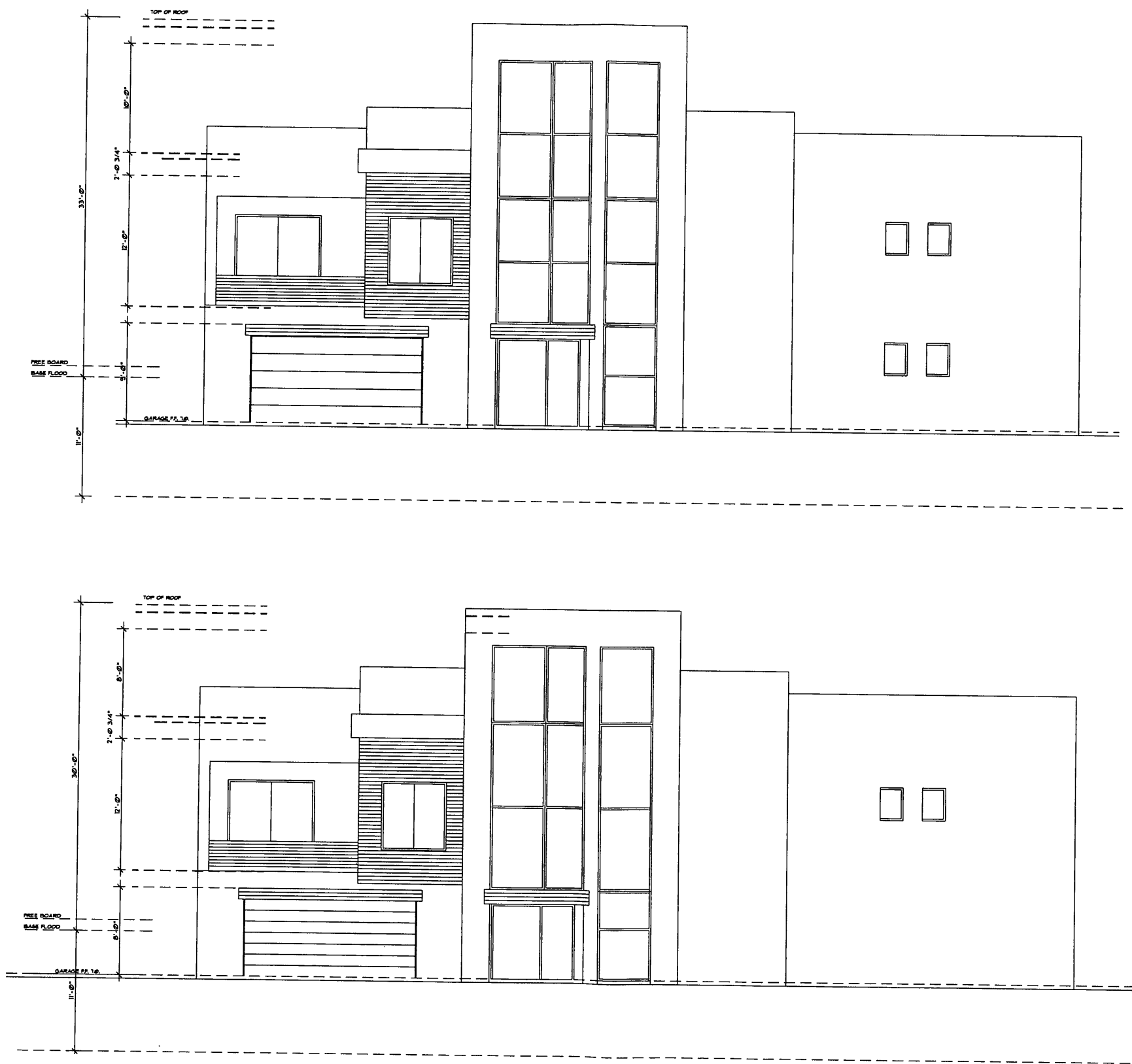
architects + planners

Lic. # AA-0003347
2600 Dr. MLK Jr. Street N. Suite 600,
(P) 727-323-5476
info@architectonicsstudio.com

St. Petersburg, FL 33704
(P) 727-323-5826
www.architectonicsstudio.com

Not For
Construction

MICHAEL ARRIGO
LIC. NO. AR2017335

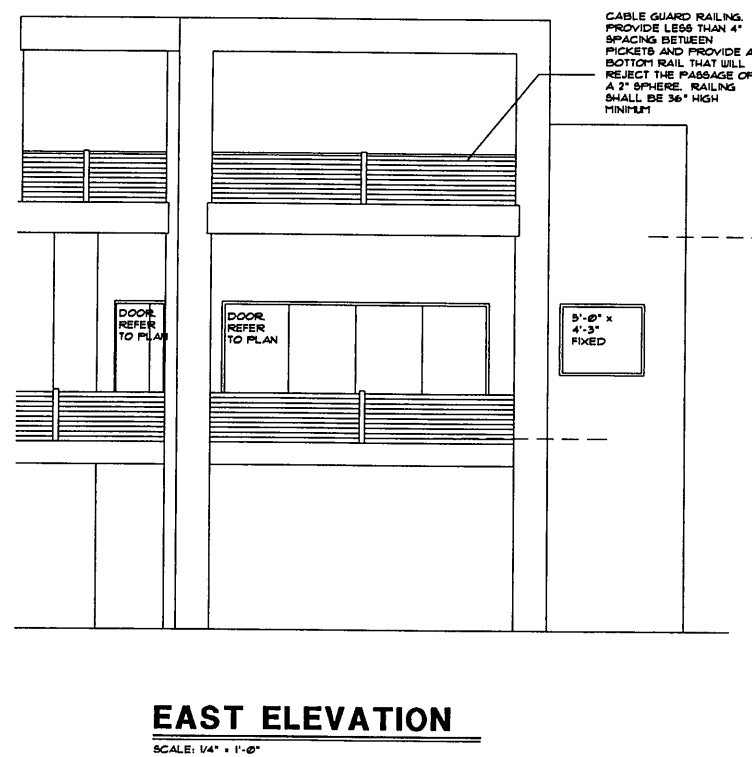
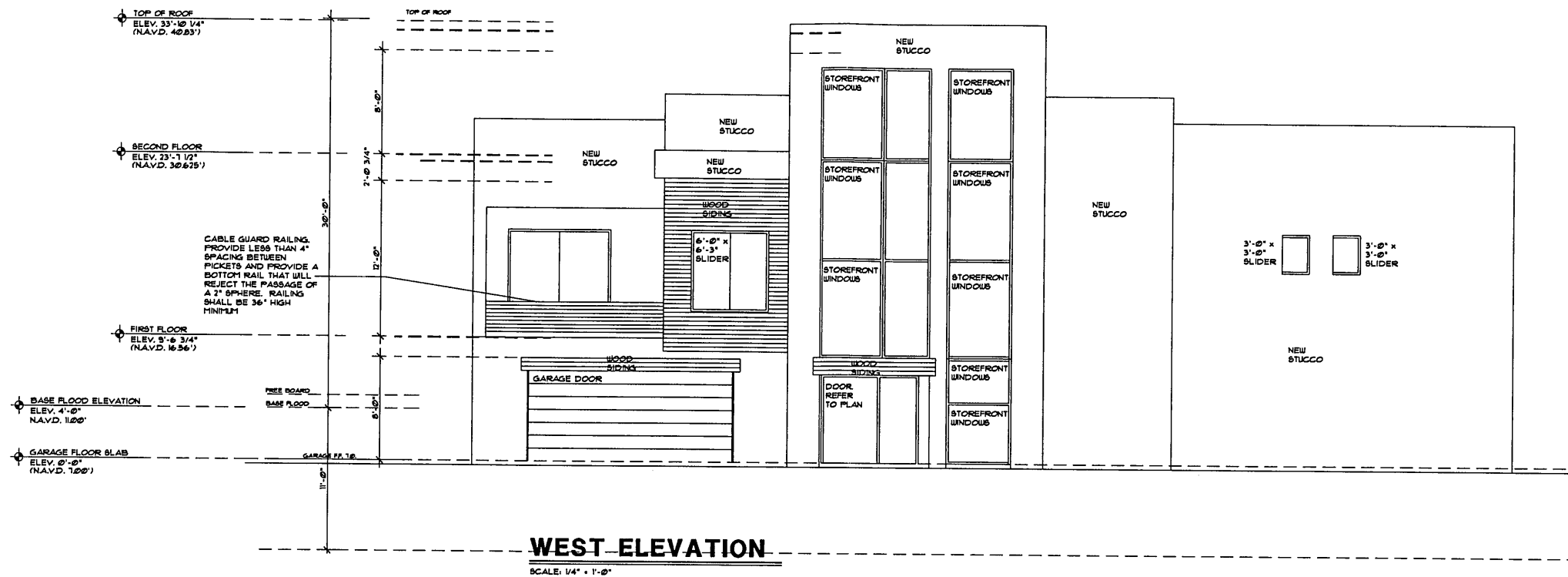


ARCHITECTONICS
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info@architectonicsstudio.com
St. Petersburg, FL 33704
(P) 727-323-5826
www.architectonicsstudio.com

Baldwin Residence
New House
606 55th Ave.
St. Pete Beach,
Florida

Project No. 2018-100R Date, July 26, 2018	Revisions:

Not For Construction
MICHAEL ARRIGO
LIC. NO. AR00013335



ELEVATION NOTES:

1. VERIFY WINDOW OPENING DIMENSIONS BY MANUFACTURER SIZES
2. DOOR AND WINDOW OPENINGS THAT READ 3000, 20X40, ETC. ARE 3'-0\"/>



architectonics
architects • planners

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Baldwin Residence

New House

606 55th Ave.

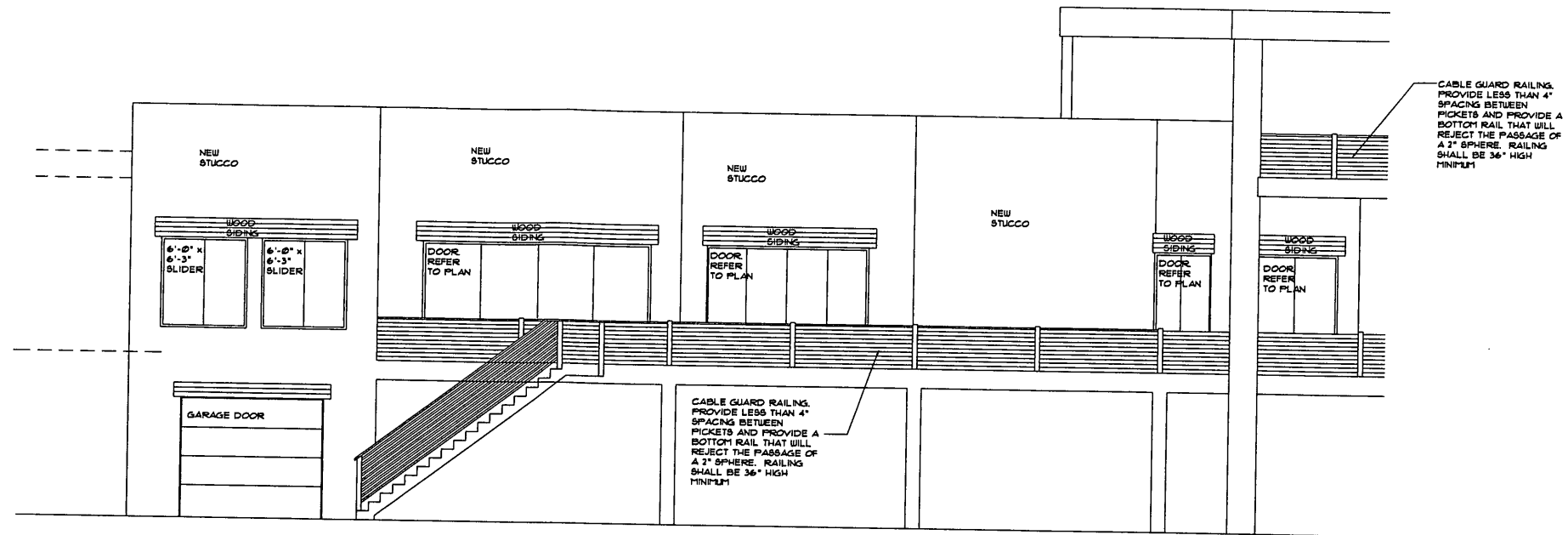
St. Pete Beach,

Florida

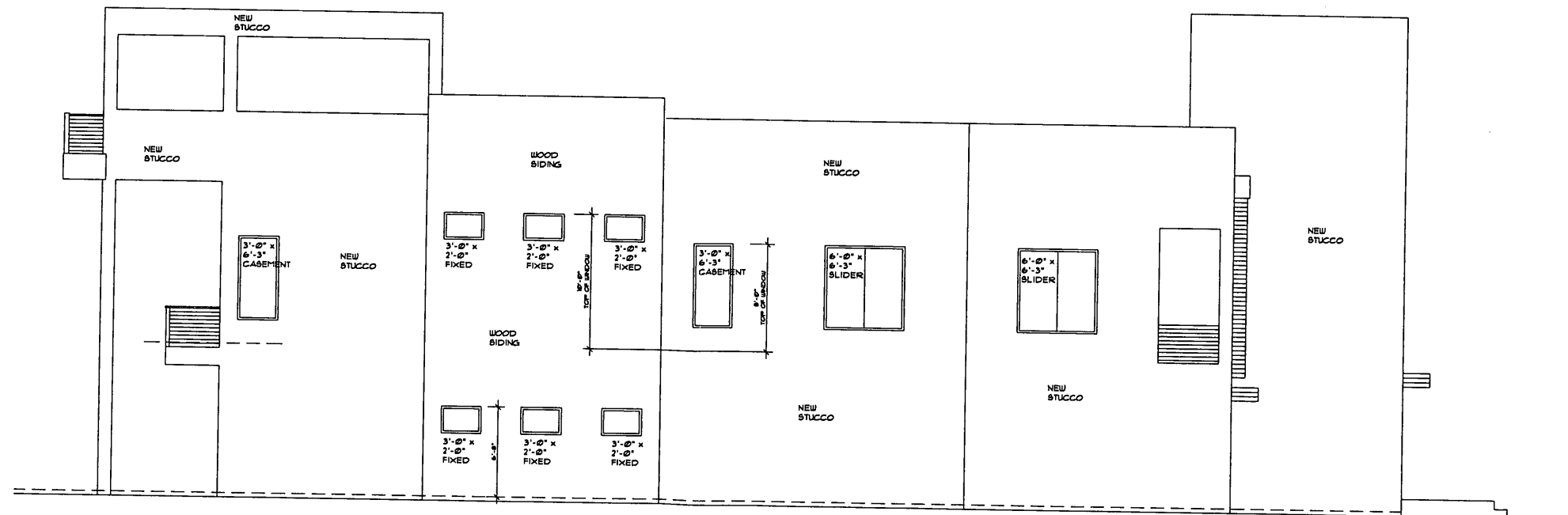
Elevations	Revisions	
	Project No.	Date
	2018-100R	July 25, 2018

Not For Construction

MICHAEL ARRIGO
LIC. NO. AR20071335



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"